ORIGINAL

BEFORE THE

Federal Communications Commission

WASHINGTON, D. C. 20554

In the Matter of	)	
	)	
Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation	)	ET Docket No. 93-62

To: The Commission

COMMENTS

Wizard Broadcasting Company, by its attorneys, hereby offers the following comments in response to the Commission's Notice of Proposed Rule Making in the above-captioned proceeding.

The Commission proposes to adopt the new, more stringent standards of the American National Standards Institute ("ANSI") with respect to radiofrequency radiation at electronics sites regulated by the Commission.

Wizard opposes the proposed adoption of the new ANSI guidelines. The present standards are sufficient to protect worker safety. No showing has been made that the benefits to be derived from application of the new standards would outweigh the costs of such application.

Wizard operates two radio stations in the intermountain West. In this region, as in many other parts of the United States, it has long been the policy of the FCC as well as local authorities and federal land management agencies to concentrate electronic facilities (and particularly major facilities like broadcast stations) at a small number of designated electronics sites. This policy has the effect of limiting the damage to the environment

that would if each station developed its own mountaintop as a separate transmitting site.

This policy has generally been successful in limiting the disruption to the environment which results from the building of roads and the extension of power lines into remote areas. Individuals who work at designated electronic sites are, by and large, professionals who recognize the potential for exposure to radio-frequency radiation at those locations, and take appropriate steps to minimize such exposure. In recent years, awareness of the hazards posed by excessive RF radiation has greatly increased, and many stations, especially those offering multiple-user sites, have made the necessary adjustments in order to keep RF exposure to safe levels.

The FCC has just completed a license renewal cycle in which stations were required to make detailed showings of compliance with the current ANSI guidelines. It is appropriate now to evaluate the success of those measures before imposing additional restrictions. Wizard's consulting engineers, who have extensive experience with high elevation antenna farms, believe that the present standards afford ample protection to workers and members of the public. Their views are set forth in the attached Statement of Pace Audio, and are incorporated herein.

If it can be shown that the present ANSI standards permit truly dangerous levels of exposure, then those standards, of course, should be changed. However, Wizard submits that there is an inadequate factual predicate in terms of real-world operation to justify such a change. In analyzing the costs of the proposed regulation, the Commission should bear in mind that a tightening of the present RF radiation standards could make it impossible for certain existing antenna farms to accept any additional users.

This will result in the development of new, isolated sites, with the attendant environmental consequences.

In some instances, substitute sites with the propagation potential of existing antenna farms are simply not available. The Sandia Mountains east of Albuquerque, New Mexico pose one example of such a situation. If a broadcaster cannot locate on the Sandia Crest electronics site, that broadcaster is forever relegated to second class status in the market. Nature did not provide any mountain with potential coverage at all comparable to that of the Sandia electronics site. Thus, the adoption of more stringent RF guidelines will likely foreclose the use of such sites to new entrants in the market, thereby restricting competition in broadcasting and other forms of electronic communication.

The Commission's Notice sought comment as to the existing categorical exclusions for certain kinds of transmitting facilities. Wizard opposes any change in the present exclusion as indicated above. There is no proof that additional government regulation is needed in this regard. The owners of transmitters that have been excluded from the NEPA requirement for routine evaluation should not be presumed to be idiots incapable of recognizing the extent of the risk of RF exposure posed by those facilities. The possibility of tort liability and/or workmen's compensation liability provide powerful incentives for such parties to maintain work procedures that ensure employee safety. No additional certification or other FCC paperwork should be required from such parties.

The Commission has also requested comment as to the effective date of any new regulations. As stated above, no new regulations are necessary. However, if new regulations are adopted they should not apply to existing permittees and licensees, but only

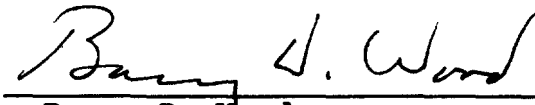
to future applicants, who would be better able to make a decision as to whether to seek a given FCC authorization in the context of compliance with the more stringent standard. The operations of existing licensees and permittees who comply with the 1982 ANSI standards should be grandfathered under those standards, without any requirement for retrofitting or any possibility of a denial of license renewal if the licensee does not comply with the new standards.

As to the implementation of any standards relating to exposure to RF radiation, Wizard agrees that the present application forms typically make too nebulous a reference to RF radiation considerations. A specific question asking the applicant whether the proposed operation would comply with the 1982 ANSI standards, with a specific reference to OST Bulletin 65, would be helpful.

In view of the foregoing, the Commission should not impose more onerous RF radiation regulations on its licensees, permittees and applicants. It should, however, simplify the process for applicants to demonstrate their compliance with the existing standards by providing a more clear reference to RF radiation concerns on the Commission's application forms.

Respectfully submitted,

WIZARD BROADCASTING COMPANY

By: 

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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
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Guidelines for Evaluating the	)	
Environmental Effects of	)	ET Docket No. 93-62
Radiofrequency Radiation	)	

Statement of David V. Atkins
Pace Audio Services of
Albuquerque, NM

INTRODUCTION

1. By the proposed action, The FCC would adopt the 1992 ANSI/IEEE guidelines (ANSI/IEEE C95.1-1992) for exposure to Radiofrequency radiation. In its notice of proposed rule making, the Commission has stated that it seeks reply comments to the proposed action in order that this issue may be fully evaluated.

DISCUSSION

2. With regard to the definition of "Controlled" and "Uncontrolled" environments. The ANSI/IEEE 1992 standards specify that uncontrolled environments would be considered as those areas where the general public has no knowledge of the presence of Radiofrequency radiation, or control of any potential exposure. In an example of an FM broadcast licensee, located in a remote area, operating a facility which is properly fenced and identified as a source of Radiofrequency radiation, the proposed rule making would seem to imply that transient passage through the general area surrounding the transmitter site would qualify as "controlled" rather than "uncontrolled" exposure, and that current standards would apply.[1]

It is believed that while cognizant and responsible persons would see that the area contains levels of radiofrequency radiation and leave the area in a prompt manner, others might choose to ignore the warnings and stay within the area, in disregard of the potential RFR exposure. Does this then constitute an "uncontrolled" environment? We believe that the "controlled" environment might include an "buffer area" directly surrounding the site, which would normally be used by workers to gain access to the transmitting facility. This same area could also, but not necessarily be used by the general public in transient passage through the area. It is suggested that an area which extends 50 feet from the fenced area of a site would be considered as the buffer area. In the case of a multiple user site, the buffer area would need to be determined, according to the local site plan, and measurements taken in accordance with present ANSI C95.1-1982 specifications. In most cases, this would satisfy the present and proposed standards as well, helping to more clearly define the issue of "controlled" vs. "uncontrolled" environments.

3. With regard to the proposed frequency split in the FM broadcast band. It is not clear as to the necessity of the split which occurs in the FM broadcast band of 88 - 108 Mhz. While the intent of showing compliance with the variation in magnetic field strength is noted, the discontinuity for induced current limits that occurs at 100 Mhz makes compliance by stations at multiple use sites undecernable when a total level of RFR contributed by all stations is considered. We too object to this feature of the ANSI/IEEE guidelines, in support of letters previously filed with IEEE and ANSI.[2] If any split were to occur, it is suggested that such a split occur at 87.9 Mhz to account for the change in service between television broadcast, and FM broadcast.

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[1] See, Notice of Proposed Rule Making, FCC 93-142 Released April 8, 1993, para. 12., Definition of "Controlled" and "Uncontrolled Environments".

[2] See, letter from Dane E. Ericksen, Hammett and Edison, Inc., to Board of Standards Review, American National Standards Institute, dated February 20, 1992.

4. With regard to the matter of adoption of ANSI/IEEE C95.1-1992. Since 1987, broadcast stations have taken extensive measures to comply with the terms of ANSI C95.1-1985.[3] This has required that fences be constructed around transmitter sites, that signs indicating the presence of radiofrequency radiation in the area be posted, and that maintenance procedures prohibit tower or antenna supporting structure access while power is applied to the antenna at a level which would render a field intensity greater than what is specified for the frequency range in use. The proposed adoption of ANSI/IEEE C95.1-1992 presents several challenges for radio operators. We must ask to what extent these new standards present practical applications to scientific theory. In other words, what type of "real world" research results warrant the adoption of the proposed standards? It would appear as though practical application of these standards might be in order, as to validate the need to adopt these new standards.

Respectfully,

David V. Atkins